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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,088	10/28/2003	Mitsuru Iwasaki	2003-1505A	3480
513	7590	12/15/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			CAMPBELL, KELLY E	
2033 K STREET N. W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20006-1021			3618	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,088	Applicant(s) IWASAKI	
	Examiner Kelly E. Campbell	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/23/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 5-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species II, Figure 3 in the reply filed on 6/02/2005 is acknowledged.

Claims 2-3,5-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/02/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Temmesfeld (US 4,756,279) in view of Suzuki (US 5,090,270).

Temmesfeld teaches an automotive heat exchanging system including:

a heat exchanger (3) mounted in front of an engine (1) and transmission (not shown) supplied with a coolant, see Column 3

an electric fan (6) which is located in a front of vehicle and ensures airflow through heat exchanger (3);

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a shroud (9,10) attached to and covering peripheral portions of said electric fan (6) and the heat exchanger (3) to form an air passage inside of said shroud (9,10) for allowing airflow through said heat exchanger (3) to flow toward said automatic transmission;

and a shutter (4,5) disposed in and attached at a periphery thereof to said shroud to open and close said air passage;

a controller which controls opening and closing of the shutter (4,5) based on engine temperature.

Temmesfeld does not teach an oil temperature sensor specifically.

Suzuki teaches a control system including for an automatic transmission including, an engine, a controller (23) wherein, an oil temperature sensor (23) sensing a temperature of oil in said automatic transmission and outputs an oil temperature signal; a controller which controls opening and closing of a by-pass via a solenoid (19) based on the oil temperature signal from said oil temperature sensor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention taught by Temmesfeld with controller responsive to engine temperature sensor, to have shutters open and close responsive to oil temperature sensor, since it is known and discussed by Suzuki, the engagement characteristics of transmission friction elements vary notable with temperature of the transmission oil.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Temmesfield (US 4,756,279) in view of Suzuki (US 5,090,270) as applied to claim 1 above, and further in view of Nixon (US 4,476,820).

Temmesfield (US 4,756,279) in view of Suzuki teaches all aspects of the claimed invention as discussed above for claim 1, including the electric fan disposed behind the radiation, except for the shutter being located behind the electric fan.

Nixon teaches an engine compartment including an electric fan, radiator and shroud arrangement, wherein a shutter (41) is disposed directly in front of the engine.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shutter position of the invention taught by Temmesfield modified by Suzuki, such that the shutter is disposed directly in front of the engine, to maintain a minimum temperature and enhance the cooling efficiency of the radiator.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Temmesfield (US 4,756,279) in view of Suzuki (US 5,090,270) as applied to claim 1 above, and further in view of Tsuchikawa et al (US 4,539,943).

Temmesfield in view of Suzuki teaches all aspects of the claimed invention as discussed above for claim 1, except the heat exchanger including a condenser and radiator at the rear of the condenser.

Tsuchikawa et al teaches an engine compartment including: a heat exchanger comprising a radiator (2) at the rear of a condenser (3) and a shroud (4) having sidewalls, see Figure 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a radiator/condenser arrangement as well as a shroud having side walls to further deflect air flow, to improve heat dissipation for the vehicle.

Response to Arguments

Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

W. J. R. J.

CP EKH

CHRISTOPHER P. ELLIS
JAMES G. W. PATENT EXAMINER
JANUARY 19, 1964